

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
SUBCHAPTER f: ELIGIBILITY FOR BENEFITS

PART 2865
CLAIMANT'S AVAILABILITY FOR WORK, ABILITY TO WORK
AND ACTIVE SEARCH FOR WORK

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AUTHORITY: Implementing and authorized by Sections 409, 500, 1700 and 1701 of the
Unemployment Insurance Act [820 ILCS 405].

SOURCE: Adopted at 10 Ill. Reg. 11887, effective July 1, 1986; amended at 14 Ill. Reg. 18466, effective November 5, 1990; amended at 17 Ill. Reg. 17917, effective October 4, 1993; amended at 18 Ill. Reg. 4160, effective March 3, 1994; emergency amendment at 18 Ill. Reg. 17764, effective November 28, 1994, for a maximum of 150 days; amended at 19 Ill. Reg. 6555, effective April 28, 1995; amended at 29 Ill. Reg. 1927, effective January 24, 2005; amended at 33 Ill. Reg. 9675, effective August 1, 2009; amended at 35 Ill. Reg. 6154, effective March 25, 2011; amended at 43 Ill. Reg. 6522, effective May 14, 2019; emergency amendment at 44 Ill. Reg. 5458, effective March 13, 2020, for a maximum of 150 days; amended at 44 Ill. Reg. 11787, effective July 1, 2020; emergency amendment at 44 Ill. Reg. 11840, effective July 6, 2020, for a maximum of 150 days; amended at 44 Ill. Reg. _____, effective _____.

SUBPART C: EXTENDED BENEFITS

Section 2865.210 Systematic and Sustained Search for Work

- a) An individual shall be deemed to have made a systematic and sustained search for work if he or she can present the tangible evidence, described in subsection (b), to the local unemployment office that he or she was engaged in such an effort to find work during a week of unemployment.
- b) The tangible evidence required by subsection (a) shall consist of, but not be limited to, all of the following:
 - 1) A showing that the individual persistently reviewed the newspaper advertisements for work and made an effort to contact the employers placing the advertisements, on each working day during every week for which he or she is applying for extended benefits;
 - 2) A showing that the individual actually made significant (at least five per week) personal contacts with prospective employers and applied for work on at least three working days during each week for which he or she is applying for extended benefits;
 - 3) A showing that he or she had been frequently contacting his or her union hall for information regarding work prospects, if applicable; and
 - 4) Registration with the State Employment Service.
- c) If the failure to make a showing of sustained and systematic job search on a particular day or days by the means indicated in subsection (b) is due to attending interviews, taking tests and/or physical examinations or commuting from one place to another to search for work or engaging in any other similar undertaking, he or she shall not be determined to have failed to meet the requirements of

subsection (a) for that particular day or days.

d) This Section shall not apply to weeks beginning on or after March 7, 1993 and before January 1, 1995.

e) This Section shall not apply to weeks beginning on or after May 17, 2020, with respect to individuals whose unemployment is directly impacted by COVID-19. The provisions of this subsection (e) are applicable to the extent permitted by section 4102(b) of the Families First Coronavirus Response Act (P.L. 116-127, Division D, Emergency Unemployment Insurance Stabilization and Access Act of 2020 (EUISAA)).

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 2865.215 When an Individual's Prospects for Finding Work Shall Be Deemed To Be Good

a) An individual filing for extended benefits who has a definite date to return to work for a former employer or who has a bona fide offer of work to begin within four weeks shall be classified as having good prospects for returning to work in his or her customary occupation. This means that, should this individual refuse an offer of work, that refusal shall be adjudicated pursuant to Section 603 of the Act and Section 409K3(c)(iii) shall not apply to this individual.

b) Whether an individual's prospects of finding work in his or her customary occupation are good shall be determined at the time that he or she files his or her initial claim for extended benefits. However, the classification shall be included in any determination of refusal of work under Section 409K3(c) of the Act, and at the time, shall be subject to review.

EXAMPLE: An individual files a claim for extended benefits and reports that he will return to his former employer on March 31. He does not return to work for his former employer on March 31 and then refuses an offer of work on April 14. This refusal of work shall be adjudicated in accordance with the provisions of Section 409K3(c) because the individual's prospects of returning to his customary occupation were not good because he did not return to work for his former employer as scheduled.

c) If the claimant does not start work on the designated date, then his or her prospects of finding work in his or her customary occupation shall no longer be considered good.

d) The individual must provide the name, address and starting date of employment

for any employer whom the individual claims as a basis for having his or her prospects of finding work in his or her customary occupation found to be good.

- e) An individual can also show that his or her prospects of finding work in his or her customary occupation are good by showing that he or she was recently employed in his or her customary occupation, that he or she recently completed training in that occupation or that new opportunities for employment in his or her customary occupation recently became available.
- f) This Section shall not apply to weeks beginning on or after March 7, 1993 and before January 1, 1995.
- g) This Section shall not apply to weeks beginning on or after May 17, 2020, with respect to individuals whose unemployment is directly impacted by COVID-19. The provisions of this subsection (g) are applicable to the extent permitted by section 4102(b) of the Families First Coronavirus Response Act (P.L. 116-127, Division D, Emergency Unemployment Insurance Stabilization and Access Act of 2020 (EUISAA)).

(Source: Amended at 44 Ill. Reg. _____, effective _____)